

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 60 of 1982

in

SPECIAL CIVIL APPLICATION No 2326 of 1979

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

and

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

STATE TRANSPORT WORKERS' UNION

Appearance:

1. LETTERS PATENT APPEAL No. 60 of 1982
MR PRANAV G DESAI for Appellant
NOTICE SERVED for Respondent No. 1-2
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CORAM : MR.JUSTICE A.R.DAVE

and

MR.JUSTICE D.P.BUCH

Date of decision: 11/09/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

Being aggrieved by the judgment delivered in Special Civil Application No.2326/79 dated 21.4.1981, the appellant-Gujarat State Road Transport Corporation has approached this Court by way of this appeal.

2. Respondent no.1 had filed Special Civil Application No.2326/79 praying that the appellant should not accord any privilege or facility to respondent No.2-the State Transport Karmachari Union (for short, 'the Karmachari Union') as a majority Union after June, 1979. The workmen working under the appellant-Gujarat State Road Transport Corporation (for short, 'the Corporation') are members of two Unions and the question was with regard to deciding as to which Union had majority of workmen as its members. After hearing the concerned Advocates, the learned Single Judge was of the view that looking to the facts and circumstances of the case, it would be advisable to direct the Commissioner of Labour, State of Gujarat to appoint an officer who would enquire into and certify as to which union enjoyed confidence of the majority of the workmen. The learned Single Judge directed that the appellant-Corporation should not extend privileges and facility to respondent No.2-Union beyond a particular time limit and it was also directed that the question with regard to majority should be decided in pursuance of an opinion which might be given by the officer who might be appointed by the Labour Commissioner as stated hereinabove.

We have heard learned Advocate Mr Pranav G Desai, appearing for the appellant. Nobody has appeared for the respondent Unions.

3. It has been submitted by the learned Advocate for the Corporation that the order passed by the learned Single Judge is improper as the learned Single Judge did not consider policy of the Corporation before giving final directions in the judgment. According to him, while treating the Karmachari Union as a Union representing majority of the workmen, the Corporation had followed its policy with regard to giving recognition to majority union.

4. Upon hearing the learned Advocate and after perusal of the judgment delivered by the learned Single

Judge, in our opinion, no illegality has been committed by the learned Single Judge by giving direction to the Labour Commissioner to depute an officer so as to enquire and certify as to which of the two Unions enjoy confidence of majority of the workmen. The said order appears to be absolutely just and proper because unless an impartial officer looks into the question of majority, it might be difficult for the appellant-Corporation to decide as to which Union is enjoying confidence of majority of the workmen. In our opinion, the direction given by the learned Single Judge would infact help the appellant-Corporation and that would surely bring industrial peace because in that event, the Union enjoying confidence of majority of the workmen will be treated as majority Union.

5. For the reasons stated hereinabove, in our opinion, there is no substance in the appeal and, therefore, the appeal is dismissed with no order as to costs.

11.9.2001 [A R Dave, J.]

msp. [D P Buch, J.]